

Greetings, My name is Joi Marshall. I am a recording artist, formerly signed to Giant/Warner Bros. Records and am now an indie label owner and author of music biz "how-to" book, "Answers to the 20 Most Asked Question About the Music Business."

As a Giant/Warner Bros. artist I was part of an R&B/Pop trio Jade. We have sold millions of records and have many fans thanks to radio & television outlets. I have written several hit songs and am releasing a new album in the 2nd quarter of 2005.

As a recording artist formerly signed to a major record label, my songs were played daily in heavy rotation thanks to the team of promotions people at Giant and Warner Bros. However, as an independ label owner I receive no radio airplay because of the strong "payola" system still in existence. As a young new act I was quickly taught that it cost anywhere from 50K to 100k to have a record placed in heavy rotation on an R&B or Pop station. Unfortunately, because of that, when I listen to the radio in one city (Los Angeles) I know that I'm only going to hear the same 20 or so songs for months because stations have been "programmed" at the corporate level (i.e. Clear Channel, Radio One) based on the amount of money received by corporate labels. As a indie label owner, I also realize that because I can't spend the 50-100K to have my records in rotation, I must settle for doing live performances and reaching as many people as possible one local venue at a time.

The FCC should define "local programming" to include local music artists that would fit in with the stations already established "sound" or genre. In the same way that rewards are given to certain high-end residential real estate projects who include subsidies for low-income families. A system such as that would give more people and opportunity to reach beyond the norm.

Also included in that definition should be provisions for stations to create locally originated and produced programs.

What is happening in the music business is that a corporation like Clear Channel, who owns most of the radio stations in the country, also own most of the gigging venues. In essence they can "program" and control which artists will have the opportunity at a legitmate career and which ones they can later own. It is like old Hollywood. They will soon a able to contract recording artist to their corporation because they control whether or not the artists is heard and seen.

Local programming should include offering opportunities for local artists to be heard and earn a living via receiving Performance Royalties with a writer/publisher affiliate (i.e. ASCAP/BMI/SESAC).

A station's participation in the community should remain in the "goodwill" category just as any other local business.

Payola is alive and well and comes in many forms. As a signed recording artist, I was responsible for recouping 50% of the costs of working with indie promoters. When Indie promoters would get funds from the record label, the majority went to a few stations to sponsor "contests," which included giveaways to hang out with On-Air personalties, Program Directors and other radio staff in exotic locations.

We were also told directly that our promotions staff was giving money (of

which we had to recoup 50%) to PD's for their kids' college funds, for widescreen TV's, etc.

National playsists are a real issue.

Pros include: A reduction in payola to local extortionist program directors and music directors.

Cons include: Corporate ownership of what the general public is "allowed" to hear. And as I previously stated because many own arenas and stadiums there is a monopoly on which artists can have a career at all.

I think LPFM stations would open to door to more of a choice in what is heard. It would provide more avenues for local artists to develop a fan base and with the state of the recording industry and downloading, this could be the break needed for artists who are not being signed because labels are losing so much money to piracy.

I want to thank you for addressing this issue with a public proceeding.

Sincerely,

Joi Marshall,  
Recording Artist  
Indie Label Owner  
Author